

REMARKS

Claims 1, 3-5, 10-13, and 53-59 are pending in the application. Claim 56 is amended and new claims 60-73 are added. Claims 1, 3-5, 10-13, 53-55, and 58-59 are canceled without prejudice to prosecution in a related case. After entry of this amendment, claims 56-57 and 60-73 are pending in the Application. The Applicant submits that the current amendments add no new matter and are supported by the specification as filed.

Double Patenting

Claim 1 is rejected under the judicially created doctrine of obviousness type double patenting. The Applicant submits that the double patenting rejection of claim 1 is moot, because claim 1 is cancelled without prejudice by the instant amendment.

Drawings

The drawing objection under 37 CFR 1.83(a) requires that the drawing show the features of an “off-line treatment area comprising a second treatment vessel” and “overflow weir of variable height.” However, none of the claims presented by the instant paper recite these features. Accordingly, the Applicant submits that the objection to the drawings is moot in light of the instant amendment.

Specification

In the specification, the first paragraph under the heading Related Applications is amended to provide the patent number and issue date of the application from which priority is claimed. No new matter is introduced by the present amendment.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1, 5, 10, 53, 54, 58 and 59 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,531,896 to Tambo et al. (“Tambo”), claims 1, 4, 54, 58 and 59 rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,650,069 to Hong et al. (“Hong”), and claims 1, 3-5, 54, 58 and 59 are rejected under 35 U.S.C. § 103(a) as unpatentable

over U.S. Patent No. 4,891,136 to Voyt ("Voyt"). Claim 11 is rejected under 35 U.S.C. § 103(a) as unpatentable over Tambo or Hong in view of U.S. Patent No. 5,733,456 to Okey et al. ("Okey"). Claims 12-13 are rejected under 35 U.S.C. § 103(a) as unpatentable over Tambo or Hong in view of U.S. Patent No. 5,019,266 to Soeder et al. ("Soeder"). Claim 55 is rejected under 35 U.S.C. § 103(a) as unpatentable over Voyt in view of U.S. Patent No. 3,907,672 to Milne ("Milne"). The Applicant submits that the above rejections are moot in light of the cancellation of claims 1, 3-5, 10-13, 53-55 and 57-59 without prejudice.

Allowable Subject Matter

Claims 56 and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The examiner's indication of allowable subject matter with respect to these claims is noted with appreciation, and we have rewritten claim 56 in independent form with claim 57 still depending therefrom. New claims 60-73 have been added and depend directly from claim 56.

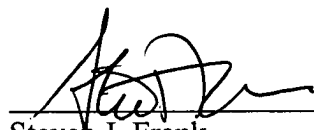
After entry of this Amendment, claims 56-57 and 60-73 will be pending in the application and are presented for consideration.

The Applicant believes that no further fee is required with this submission. However, should an additional fee be required, the Applicant hereby authorizes the Commissioner to charge Deposit Account No. 20-0531 as necessary. In light of this amendment and response, the Applicant respectfully requests that the rejections be reconsidered and withdrawn.

Conclusion

On the basis of the foregoing remarks, the Applicant submits that claims 56-57 and 60-73 are in condition for allowance and requests early and favorable action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven J. Frank", is written over a horizontal line.

Steven J. Frank
Attorney for the Applicant
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

Date: July 20, 2004
Reg. No. 33,497
Customer No. 021323
Tel. No. (617) 310-8108
Fax No. (617) 248-7100